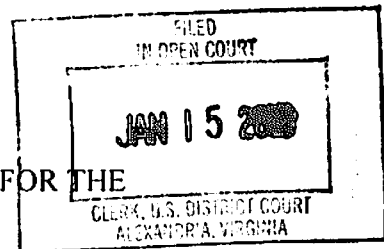


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA



Alexandria Division

UNITED STATES OF AMERICA	)	
	)	No. 1:15-CR-102
v.	)	
	)	Hon. Liam O'Grady
Amin al-Baroudi,	)	
a/k/a "Abu al-Jud,"	)	
	)	
Defendant	)	

PLEA AGREEMENT

Dana J. Boente, United States Attorney for the Eastern District of Virginia, Julia K. Martinez, Assistant United States Attorney, the defendant, Amin al-Baroudi, and the defendant's counsel have entered into an agreement pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The terms of the agreement are as follows:

**1. Offense and Maximum Penalties**

The defendant agrees to plead guilty to Count One of the Indictment charging the defendant with Conspiracy to Unlawfully Export U.S. Goods to Syria in violation of the International Emergency Economic Powers Act, Title 50, United States Code, Sections 1702 and 1705(a) and (c); and U.S. sanctions against Syria, as codified in Title 15, Code of Federal Regulations, Section 746.9. The maximum penalties for this offense are a maximum term of 20 years of imprisonment, a fine of \$1,000,000, full restitution, a special assessment, and five years of supervised release. The defendant understands that this supervised release term is in addition to any prison term the defendant may receive, and that a violation of a term of supervised release could result in the defendant being returned to prison for the full term of supervised release.

## **2. Factual Basis for the Plea**

The defendant will plead guilty because the defendant is in fact guilty of the charged offense. The defendant admits the facts set forth in the statement of facts filed with this plea agreement and agrees that those facts establish guilt of the offense charged beyond a reasonable doubt. The statement of facts, which is hereby incorporated into this plea agreement, constitutes a stipulation of facts for purposes of Section 1B1.2(a) of the Sentencing Guidelines.

## **3. Assistance and Advice of Counsel**

The defendant is satisfied that the defendant's attorney has rendered effective assistance. The defendant understands that by entering into this agreement, defendant surrenders certain rights as provided in this agreement. The defendant understands that the rights of criminal defendants include the following:

- a. the right to plead not guilty and to persist in that plea;
- b. the right to a jury trial;
- c. the right to be represented by counsel – and if necessary have the court appoint counsel – at trial and at every other stage of the proceedings; and
- d. the right at trial to confront and cross-examine adverse witnesses, to be protected from compelled self-incrimination, to testify and present evidence, and to compel the attendance of witnesses.

## **4. Role of the Court and the Probation Office**

The defendant understands that the Court has jurisdiction and authority to impose any sentence within the statutory maximum described above but that the Court will determine the defendant's actual sentence in accordance with Title 18, United States Code, Section 3553(a). The defendant understands that the Court has not yet determined a sentence and that any estimate

of the advisory sentencing range under the U.S. Sentencing Commission's Sentencing Guidelines Manual the defendant may have received from the defendant's counsel, the United States, or the Probation Office, is a prediction, not a promise, and is not binding on the United States, the Probation Office, or the Court. Additionally, pursuant to the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220, 125 S. Ct. 738 (2005), the Court, after considering the factors set forth in Title 18, United States Code, Section 3553(a), may impose a sentence above or below the advisory sentencing range, subject only to review by higher courts for reasonableness. The United States makes no promise or representation concerning what sentence the defendant will receive, and the defendant cannot withdraw a guilty plea based upon the actual sentence.

In accordance with Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the United States and the defendant will recommend to the Court that the following provisions of the Sentencing Guidelines apply: Pursuant to U.S.S.G. § 2M5.1(a)(1), the defendant's base offense level is 26. The United States and the defendant agree that the defendant has assisted the government in the investigation and prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently. If the defendant qualifies for a two-level decrease in offense level pursuant to U.S.S.G. § 3E1.1(a) and the offense level prior to the operation of that section is a level 16 or greater, the government agrees to file, pursuant to U.S.S.G. § 3E1.1(b), a motion prior to, or at the time of, sentencing for an additional one-level decrease in the defendant's offense level.

**5. Waiver of Appeal, FOIA and Privacy Act Rights**

The defendant also understands that Title 18, United States Code, Section 3742 affords a defendant the right to appeal the sentence imposed. Nonetheless, the defendant knowingly waives the right to appeal the conviction and any sentence within the statutory maximum described above (or the manner in which that sentence was determined) on the grounds set forth in Title 18, United States Code, Section 3742 or on any ground whatsoever other than an ineffective assistance of counsel claim that is cognizable on direct appeal, in exchange for the concessions made by the United States in this plea agreement. This agreement does not affect the rights or obligations of the United States as set forth in Title 18, United States Code, Section 3742(b). The defendant also hereby waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, Title 5, United States Code, Section 552, or the Privacy Act, Title 5, United States Code, Section 552a.

**6. Special Assessment**

Before sentencing in this case, the defendant agrees to pay a mandatory special assessment of one hundred dollars (\$100.00) per count of conviction.

**7. Payment of Monetary Penalties**

The defendant understands and agrees that, pursuant to Title 18, United States Code, Section 3613, whatever monetary penalties are imposed by the Court will be due immediately and subject to immediate enforcement by the United States as provided for in Section 3613. Furthermore, within 14 days of a request, the defendant agrees to provide all of the defendant's financial information to the United States and the Probation Office and, if requested, to

participate in a pre-sentencing debtor's examination and/or complete a financial statement under penalty of perjury. If the Court imposes a schedule of payments, the defendant understands that the schedule of payments is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. If the defendant is incarcerated, the defendant agrees to voluntarily participate in the Bureau of Prisons' Inmate Financial Responsibility Program, regardless of whether the Court specifically directs participation or imposes a schedule of payments.

**8. Immunity from Further Prosecution in this District**

The United States will not further criminally prosecute the defendant in the Eastern District of Virginia for the specific conduct described in the indictment or statement of facts, except that the United States may prosecute the defendant for any crime of violence or conspiracy to commit, or aiding and abetting, a crime of violence not charged in the indictment as an offense. In such a prosecution the United States may allege and prove conduct described in the indictment or statement of facts. "Crime of violence" has the meaning set forth in Title 18, United States Code, Section 16.

**9. Dismissal of Other Counts**

As a condition of the execution of this agreement and the Court's acceptance of the defendant's plea of guilty, the United States will move to dismiss Counts Two, Three, and Four of the Indictment.

**10. Defendant's Cooperation**

The defendant agrees to cooperate fully and truthfully with the United States, and provide all information known to the defendant regarding any criminal activity as requested by the government. In that regard:

- a. The defendant agrees to testify truthfully and completely at any grand juries, trials or other proceedings.
- b. The defendant agrees to be reasonably available for debriefing and pre-trial conferences as the United States may require.
- c. The defendant agrees to provide all documents, records, writings, or materials of any kind in the defendant's possession or under the defendant's care, custody, or control relating directly or indirectly to all areas of inquiry and investigation.
- d. The defendant agrees that, at the request of the United States, the defendant will voluntarily submit to polygraph examinations, and that the United States will choose the polygraph examiner and specify the procedures for the examinations.
- e. The defendant agrees that the Statement of Facts is limited to information to support the plea. The defendant will provide more detailed facts relating to this case during ensuing debriefings.
- f. The defendant is hereby on notice that the defendant may not violate any federal, state, or local criminal law while cooperating with the government, and that the government will, in its discretion, consider any such violation in evaluating whether to file a motion for a downward departure or reduction of sentence.
- g. Nothing in this agreement places any obligation on the government to seek the defendant's cooperation or assistance.

#### **11. Use of Information Provided by the Defendant Under This Agreement**

The United States will not use any truthful information provided pursuant to this agreement in any criminal prosecution against the defendant in the Eastern District of Virginia, except in any prosecution for a crime of violence or conspiracy to commit, or aiding and abetting, a crime of violence (as defined in Title 18, United States Code, Section 16). Pursuant to U.S.S.G. section 1B1.8, no truthful information that the defendant provides under this agreement will be used in determining the applicable guideline range, except as provided in section 1B1.8(b). Nothing in this plea agreement, however, restricts the Court's or Probation Officer's access to information and records in the possession of the United States. Furthermore, nothing in this agreement prevents the government in any way from prosecuting the defendant should the defendant knowingly provide false, untruthful, or perjurious information or testimony, or from using information provided by the defendant in furtherance of any forfeiture action, whether criminal or civil, administrative or judicial. The United States will bring this plea agreement and the full extent of the defendant's cooperation to the attention of other prosecuting offices if requested.

#### **12. Defendant Must Provide Full, Complete and Truthful Cooperation**

This plea agreement is not conditioned upon charges being brought against any other individual. This plea agreement is not conditioned upon any outcome in any pending investigation. This plea agreement is not conditioned upon any result in any future prosecution which may occur because of the defendant's cooperation. This plea agreement is not conditioned upon any result in any future grand jury presentation or trial involving charges resulting from this investigation. This plea agreement is conditioned upon the defendant providing full, complete and truthful cooperation.

### **13. Motion for a Downward Departure**

The parties agree that the United States reserves the right to seek any departure from the applicable sentencing guidelines, pursuant to Section 5K1.1 of the Sentencing Guidelines and Policy Statements, or any reduction of sentence pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure, if, in its sole discretion, the United States determines that such a departure or reduction of sentence is appropriate.

### **14. Forfeiture Agreement**

The defendant understands that the forfeiture of assets is part of the sentence that must be imposed in this case. The defendant agrees to forfeit all interests in any property that is traceable to, derived from, fungible with, or a substitute for property that constitutes the proceeds of his offense, or facilitating property or property involved in the offense, including the following:

- (i) approximately 57 Items of Miscellaneous Weapons and Equipment, which are more particularly described on Exhibit A, attached hereto;
- (ii) One RomArm/Cugir Draco Rifle With Barska Scope, with serial number C-8216-75;
- (iii) One Sig Sauer SP2022 Pistol, with serial number 33A007381;
- (iv) One Sig Sauer P228 Pistol, with serial number B115900;
- (v) One Baretta 92 FS Pistol, with serial number BER011788;
- (vi) One Stag Arms Stag-15 Rifle With Barska Scope, with serial number 117872;
- (vii) One RomArm/Cugir PSL-54C Pistol, with serial number DR-4381-09;
- (viii) One CBC/Mossberg 702 Pinkster Rifle, with serial number EJD3106480;
- (ix) One Plum Crazy C15 AR-15 Rifle, with serial number RMO 3673; and
- (x) One Mega Arms Gator Rifle With Barska Scope, with serial number MST1520



(collectively, the “Forfeitable Property”) seized by law enforcement officers on or about July 1, 2013 from an Irvine, California residence. The defendant agrees that the Forfeitable Property constitutes or is derived from proceeds traceable to violations of 50 U.S.C. §§ 1702 and 1705 and shall, at the sole election of the United States of America, be criminally forfeited or civilly forfeited, administratively or judicially.

The defendant further understands that if proceeds of the offense(s) are not available to the United States to be forfeited, the Court must enter a forfeiture money judgment in the amount of the proceeds. *United States v. Blackman*, 746 F.3d 137 (4th Cir. 2014). The defendant further agrees to waive all interest in the asset(s) in any administrative or judicial forfeiture proceeding, whether criminal or civil, state or federal. The defendant agrees to consent to the entry of orders of forfeiture for such property and waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Defendant admits and agrees that the conduct described in the charging instrument and Statement of Facts provides a sufficient factual and statutory basis for the forfeiture of the property sought by the government.

#### **15. Waiver of Further Review of Forfeiture**

The defendant further agrees to waive all constitutional and statutory challenges to forfeiture in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. The defendant also waives any failure by the Court to advise the defendant of any applicable forfeiture at the time the guilty plea is accepted as required by Rule 11(b)(1)(J). The defendant agrees to take all steps as requested by

the United States to pass clear title to forfeitable assets to the United States, and to testify truthfully in any judicial forfeiture proceeding. The defendant understands and agrees that all property covered by this agreement is subject to forfeiture as proceeds of illegal conduct, property facilitating illegal conduct, property involved in illegal conduct giving rise to forfeiture, or substitute assets for property otherwise subject to forfeiture.

**16. The Defendant's Obligations Regarding Assets Subject to Forfeiture**

Upon request by the government, the defendant agrees to identify all assets in which the defendant had any interest or over which the defendant exercises or exercised control, directly or indirectly, within the past five years. The defendant agrees to take all steps as requested by the United States to obtain from any other parties by any lawful means any records of assets owned at any time by the defendant. The defendant agrees to undergo any polygraph examination the United States may choose to administer concerning such assets and to provide and/or consent to the release of the defendant's tax returns for the previous five years.

**17. Breach of the Plea Agreement and Remedies**

This agreement is effective when signed by the defendant, the defendant's attorney, and an attorney for the United States. The defendant agrees to entry of this plea agreement at the date and time scheduled with the Court by the United States (in consultation with the defendant's attorney). If the defendant withdraws from this agreement, or commits or attempts to commit any additional federal, state or local crimes, or intentionally gives materially false, incomplete, or misleading testimony or information, or otherwise violates any provision of this agreement, then:

- a. The United States will be released from its obligations under this agreement, including any obligation to seek a downward departure or a

reduction in sentence. The defendant, however, may not withdraw the guilty plea entered pursuant to this agreement;

- b. The defendant will be subject to prosecution for any federal criminal violation, including, but not limited to, perjury and obstruction of justice, that is not time-barred by the applicable statute of limitations on the date this agreement is signed. Notwithstanding the subsequent expiration of the statute of limitations, in any such prosecution, the defendant agrees to waive any statute-of-limitations defense; and
- c. Any prosecution, including the prosecution that is the subject of this agreement, may be premised upon any information provided, or statements made, by the defendant, and all such information, statements, and leads derived therefrom may be used against the defendant. The defendant waives any right to claim that statements made before or after the date of this agreement, including the statement of facts accompanying this agreement or adopted by the defendant and any other statements made pursuant to this or any other agreement with the United States, should be excluded or suppressed under Fed. R. Evid. 410, Fed. R. Crim. P. 11(f), the Sentencing Guidelines or any other provision of the Constitution or federal law.

Any alleged breach of this agreement by either party shall be determined by the Court in an appropriate proceeding at which the defendant's disclosures and documentary evidence shall be admissible and at which the moving party shall be required to establish a breach of the plea agreement by a preponderance of the evidence. The proceeding established by this paragraph

does not apply, however, to the decision of the United States whether to file a motion based on “substantial assistance” as that phrase is used in Rule 35(b) of the Federal Rules of Criminal Procedure and Section 5K1.1 of the Sentencing Guidelines and Policy Statements. The defendant agrees that the decision whether to file such a motion rests in the sole discretion of the United States.

**18. Nature of the Agreement and Modifications**

This written agreement constitutes the complete plea agreement between the United States, the defendant, and the defendant’s counsel. The defendant and the defendant’s attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in writing in this plea agreement, to cause the defendant to plead guilty. Any modification of this plea agreement shall be valid only as set forth in writing in a supplemental or revised plea agreement signed by all parties.

Dana J. Boente  
United States Attorney

By:   
Julia K. Martinez  
Assistant United States Attorney

Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the indictment. Further, I fully understand all rights with respect to Title 18, United States Code, Section 3553 and the provisions of the Sentencing Guidelines Manual that may apply in my case. I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand this agreement and voluntarily agree to it.

Date: 1-14-16

A. Baroni  
Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's rights with respect to the indictment. Further, I have reviewed Title 18, United States Code, Section 3553 and the Sentencing Guidelines Manual, and I have fully explained to the defendant the provisions that may apply in this case. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge, the defendant's decision to enter into this agreement is an informed and voluntary one.

Date: 1-14-16

Anthony M. Capozzolo  
Anthony M. Capozzolo  
Counsel for the Defendant

# **EXHIBIT A**

# ITEM CONTENTS LIST

Item Seq. No.	Count	Item Description/Serial Number/Condition/Item Type/Disposition Type
1	1	Palmetto State armory PA-15 rifle w/ Barska scope Item Type: Firearms Rifle Condition: Good Serial Number: LW032241
2	1	ACU pattern camouflaged pistol triple magazine pouch Item Type: Firearms Other Condition: Good Serial Number: 00000
3	2	ACU pattern camouflaged rifle triple magazine pouch Item Type: Firearms Other Condition: Good Serial Number: 00000
4	1	NcStar ACU pattern camouflaged small general purpose pouch Item Type: Firearms Other Condition: Good Serial Number: 00000
5	1	NcStar ACU pattern camouflaged medium general purpose pouch Item Type: Firearms Other Condition: Good Serial Number: 00000
6	1	Wartech machete with sheath Item Type: Firearms Other Condition: Good Serial Number: 00000
7	1	Trustfire TR-1200 flashlight with case Item Type: Firearms Other Condition: Good Serial Number: 00000
8	1	Armasight Orion 4 night vision scope Item Type: Firearms Other Condition: Good Serial Number: 00000
9	1	Barska sight Item Type: Firearms Other Condition: Good Serial Number: AC11020
10	1	LJK Optics range finder in case Item Type: Firearms Other Condition: Good Serial Number: 00000
11	1	BSA scope 1009H Item Type: Firearms Other Condition: Good Serial Number: 00000
12	1	Weapon light, unk manufacturer Item Type: Firearms Other Condition: Good Serial Number: 00000
13	1	Galco Matrix paddle holster Item Type: Firearms Other Condition: Good Serial Number: 00000

14	1	Sig Sauer P229 paddle holster Item Type: Firearms Other Condition: Good	Serial Number: 00000
15	1	Fabric holster. Unk manufacturer Item Type: Firearms Other Condition: Good	Serial Number: 00000
16	1	Bianchi Black Widow P85 holster Item Type: Firearms Other Condition: Good	Serial Number: 00000
17	1	Bianchi double magazine pouch Item Type: Firearms Other Condition: Good	Serial Number: 00000
18	1	Blackhawk CQC Beretta 92 paddle holster Item Type: Firearms Other Condition: Good	Serial Number: 00000
19	1	iTac Defense Sig SP2022 paddle holster Item Type: Firearms Other Condition: Good	Serial Number: 00000
20	2	Hero Edge knife with sheath Item Type: Firearms Other Condition: Good	Serial Number: 00000
21	1	J. Martini Rapala filet knife Item Type: Firearms Other Condition: Good	Serial Number: 00000
22	1	M4 Tech knife with sheath Item Type: Firearms Other Condition: Good	Serial Number: 00000
23	1	Smith and Wesson Extreme Ops folding knife Item Type: Firearms Other Condition: Good	Serial Number: 00000
24	1	Folding knife of unk manufacture Item Type: Firearms Other Condition: Good	Serial Number: 00000
25	1	Ultrafire WF-2800L flashlight with case Item Type: Firearms Other Condition: Good	Serial Number: 00000
26	1	Ultrafire 12T6 flashlight with case Item Type: Firearms Other Condition: Good	Serial Number: 00000



27	1	Police flashlight of unk manufacture Item Type: Firearms Other Condition: Good	Serial Number: 00000
28	1	Safe Pro flashlight/taser with case and charger Item Type: Firearms Other Condition: Good	Serial Number: 00000
29	1	Alco paper targets Item Type: Firearms Other Condition: Good	Serial Number: 00000
30	1	StagArms collapsible rifle stock Item Type: Firearms Other Condition: Good	Serial Number: 00000
31	1	M4 type rifle pistol grip of unk manufacture Item Type: Firearms Other Condition: Good	Serial Number: 00000
32	1	AR-15 bullet-button Item Type: Firearms Other Condition: Good	Serial Number: 00000
33	1	Caldwell adhesive target, multiple Item Type: Firearms Other Condition: Good	Serial Number: 00000
34	1	Assorted targets Item Type: Firearms Other Condition: Good	Serial Number: 00000
35	1	Misc. weapon parts Item Type: Firearms Other Condition: Good	Serial Number: 00000
36	1	Misc. small weapon/electrical parts Item Type: Firearms Other Condition: Good	Serial Number: 00000
37	1	Set of 4 LaserMark boresighters with bag Item Type: Firearms Other Condition: Good	Serial Number: 00000
38	1	Pen-style laser pointer Item Type: Firearms Other Condition: Good	Serial Number: 00000
39	1	Multiple caliber laser boresighter with case Item Type: Firearms Other Condition: Good	Serial Number: 00000

40	1	Laser projector of unk manufacture Item Type: Firearms Other Condition: Good	Serial Number: 00000
41	1	Multiple caliber laser boresighter in box Item Type: Firearms Other Condition: Good	Serial Number: 00000
42	1	Barska scope Item Type: Firearms Other Condition: Good	Serial Number: 00000
43	1	Black tactical vest of unk manufacture Item Type: Firearms Other Condition: Good	Serial Number: 00000
44	9	NcStar AK Top Cover scope mounts Item Type: Firearms Other Condition: Good	Serial Number: 00000
45	3	Scope mounts of unk manufacture Item Type: Firearms Other Condition: Good	Serial Number: 00000
46	11	Scope mounts of unk manufacture Item Type: Firearms Other Condition: Good	Serial Number: 00000
47	4	IJK Optics fiber optic scope Item Type: Firearms Other Condition: Good	Serial Number: 00000
48	1	IJK Optics sight Item Type: Firearms Other Condition: Good	Serial Number: 00000
49	2	BSA Huntsman RGB dot sight Item Type: Firearms Other Condition: Good	Serial Number: 00000
50	2	IJK Optics 8-32x50 scope Item Type: Firearms Other Condition: Good	Serial Number: 00000
51	3	SVP Inspection Camera with color LCD monitor Item Type: Firearms Other Condition: Good	Serial Number: 00000
52	5	AK-47 style bayonets Item Type: Firearms Other Condition: Good	Serial Number: 00000

53	1	Large camouflage backpack Item Type: Firearms Other Condition: Good	Serial Number: 00000
54	1	Nexpak medium camouflage backpack Item Type: Firearms Other Condition: Good	Serial Number: 00000
55	1	Waterproof clothing bag Item Type: Firearms Other Condition: Good	Serial Number: 00000
56	1	Camouflage pack cover Item Type: Firearms Other Condition: Good	Serial Number: 00000
57	1	Barska binoculars Item Type: Firearms Other Condition: Good	Serial Number: 00000